

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**SANICQUA APONTE AND D.H.,
Plaintiffs,**

CIVIL ACTION

v.

**POTTSTOWN SCHOOL DISTRICT,
Defendants.**

NO. 18-3199

ORDER

AND NOW, this 11th day of July, 2019, upon consideration of Defendants Wade's Motion to Dismiss the Second Amended Complaint and briefing in support thereof (ECF Nos. 32, 41), and Plaintiff briefing in opposition thereto (ECF Nos. 39, 45), **IT IS HEREBY ORDERED** that Defendant Wade's motion is **GRANTED**. Plaintiff's claims against Defendant Wade are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that, upon consideration of the District Defendants' Motion to Dismiss the Second Amended Complaint and briefing in support thereof (ECF Nos. 33, 42), and Plaintiff briefing in opposition thereto (ECF Nos. 40, 46), it is hereby ordered that the District Defendants' motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. The District Defendants' motion to dismiss Plaintiff's claims against Defendants Oxenford, Moyer, Rodriguez, Stillwell, Jacobs, and Schroeder is **GRANTED**. Plaintiff's claims against Defendants Oxenford, Moyer, Rodriguez, Stillwell, Jacobs, and Schroeder are **DISMISSED WITH PREJUDICE**.
2. The District Defendants' motion to dismiss Plaintiff's claims brought pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400, *et seq.* ("IDEA") and Section 504 of the Rehabilitation Act of 1973, 19 U.S.C. § 794(a) ("Section 504") against Defendant Pottstown School District is **DENIED**, except

that Plaintiff's requests for compensatory and punitive damages under the IDEA and punitive damages under Section 504 are **DISMISSED WITH PREJUDICE**.

3. The District Defendants' motion to dismiss Plaintiff's claims brought pursuant to common law assault and 42 U.S.C. § 1983 against Defendant Pottstown School District is **GRANTED**. Plaintiff's claims brought pursuant to common law assault and 42 U.S.C. § 1983 against Defendant Pottstown School District are **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

WENDY BEETLESTONE, J.